

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTWAUN FREEMAN : CIVIL ACTION
v. : No. 23-2655
LT. MOORE, et al. :
:

ORDER

AND NOW, this 10th day of February, 2025, upon consideration of Defendants Lt. Moore, Sgt. Jones, Sgt. Jenkins, and Major Leach's Motion to Dismiss Second Amended Complaint and Plaintiff Antwaun Freeman's response thereto, and for the reasons set forth in the accompanying Memorandum, it is ORDERED the Motion to Dismiss (ECF No. 46) is GRANTED in part and DENIED in part as follows:

- The Motion is GRANTED as to Freeman's denial of medical care claim against Sgt. Jones and Sgt. Jenkins, his intentional infliction of emotional distress claim against Major Leach, and his civil rights conspiracy claim against all Defendants. Count III of Freeman's Second Amended Complaint is DISMISSED as to Sgt. Jones and Sgt. Jenkins, Count IV is DISMISSED as to Major Leach, and Count V is DISMISSED as to all Defendants.
- The Motion is DENIED as to the remaining claims in Freeman's Second Amended Complaint: his failure to protect and failure to intervene claims against Lt. Moore, Sgt. Jones, and Sgt. Jenkins (Counts I and II); his denial of medical care claim against Lt. Moore and Major Leach (Count III); and his intentional infliction of emotional distress claim against Lt. Moore, Sgt. Jones, and Sgt. Jenkins (Count IV). These claims will proceed to discovery.

It is further ORDERED Defendants shall file an Answer to the Second Amended Complaint within 14 days of the entry of this Order.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.